

**MINUTES  
OF THE REGULAR MEETING OF THE  
EDINA CITY COUNCIL  
HELD AT CITY HALL  
SEPTEMBER 2, 2003  
7:00 P.M.**

**ROLLCALL** Answering rollcall were Members Housh, Hovland, Kelly, Masica and Mayor Maetzold.

**CONSENT AGENDA ITEMS APPROVED** Motion made by Member Hovland and seconded by Member Masica approving the Council Consent Agenda as presented.

Rollcall:

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

**\*MINUTES OF THE REGULAR MEETING OF AUGUST 19, 2003, APPROVED** Motion made by Member Hovland and seconded by Member Masica, approving the Minutes of the Regular Meeting of the Edina City Council for August 19, 2003.

Motion carried on rollcall vote – five ayes.

**CONSTITUTION WEEK PROCLAIMED** Mayor Maetzold proclaimed September 17-23, 2003, as Constitution Week in the City of Edina and urged citizens to study the Constitution and reflect on the privilege of being an American.

Member Kelly introduced the following resolution and moved its adoption:

**PROCLAMATION  
CONSTITUTION WEEK**

**WHEREAS**, it is the privilege of all Americans to commemorate the two hundred fifteenth anniversary of the drafting of the Constitution of the United States of America with appropriate ceremonies and activities; and

**WHEREAS**, Public Law 915 guarantees the issuance of a proclamation by the President of the United States of America, designating September 17 through 23 as Constitution Week.

**THEREFORE**, I, Dennis F. Maetzold, by virtue of the authority vested in me as Mayor of the City of Edina do hereby proclaim the week of September 17 through 23 as

**CONSTITUTION WEEK**

**and urge all citizens to study the Constitution and reflect on the privilege of being an American with all the rights and responsibilities which that privilege involves.**

**Adopted this 2<sup>nd</sup> day of September 2003.**

Member Housh seconded the motion.

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

**\*PUBLIC HEARING DATE SET OF SEPTEMBER 16, 2003, FOR PLANNING MATTERS** Motion made by Member Hovland and seconded by Member Masica setting September 16, 2003, for Planning Matters as follows:

1. Preliminary Plat Approval – Two Lot Subdivision – James W. Jones (5205 Duncraig Avenue)

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2. Preliminary Plat Approval - Two Lot Subdivision - Bruce and Sandy Nelson (5905 Lee Valley Road)
3. Conditional Use Permit - Parking Lot Expansion - Chapel Hills United Church of Christ (6512 Vernon Avenue)
4. Amendment to Zoning Ordinance to Allow Religious Institutions in PID (Planned Industrial District)
5. Conditional Use Permit - Fellowship of Kings Church (7300 Bush Lake Road)

Motion carried on rollcall vote - five ayes.

**ORDINANCE NO. 2003-10 APPROVED - RENAMING A PORTION OF BRAEMAR BOULEVARD TO "HILARY LANE"** Manager Hughes indicated that Edina native Hilary Homeyer Lunke recently won the 2003 United States Open Golf Tournament. Hilary has competed in seven U.S. Women's Amateur championships and in 1997 was the runner-up at the Western Women's Amateur. While attending Stanford, Hilary was a four-time All American and won two collegiate titles and in 2001, before she turned professional, she won the South Atlantic Amateur Championship.

Mr. Hughes reminded the Council that on Tuesday, July 15, 2003, Mayor Maetzold and the Edina City Council proclaimed July 15, 2003, as "Hilary Lunke Day" in Edina. He reported that the Edina Park Board has recommended renaming a section of Braemar Boulevard as "Hilary Lane" in honor of this outstanding achievement that brings a sense of pride to Edina. Mr. Hughes explained the section of Braemar Boulevard slated to be renamed was located between Gleason Road and the hairpin turn intersection at Valley View Road. He said the name change would not affect any existing addresses and concluded that Hilary's family have been contacted and would consider the renaming of a portion of Braemar Boulevard a great honor.

Member Housh inquired whether her full name should be used to rename the street. Mr. Hughes commented the name 'Hilary Lane' was preferred by the family.

**Member Kelly made a motion, approving Ordinance No. 2003-10 with waiver of second reading:**

**ORDINANCE NO. 2003-10  
STREET NAME ORDINANCE**

**THE CITY COUNCIL OF THE CITY OF EDINA ORDAINS:**

**Section 1.** The portion of the roadway named Braemar Boulevard from Gleason Road to Valley View is hereby renamed Hilary Lane.

**Section 2.** This ordinance shall be in full force and effect upon passage and publication.

<b>First Reading:</b>	<b>September 2, 2003</b>
<b>Second Reading:</b>	<b>Waived</b>
<b>Published:</b>	<b>September 11, 2003</b>

**Attest**

\_\_\_\_\_  
**Debra A. Mangan, City Clerk**

\_\_\_\_\_  
**Dennis F. Maetzold, Mayor**

Member Hovland seconded the motion.

Rollcall:

Ayes: Housh, Hovland, Kelly, Masica, Maetzold  
Motion carried.

**BID AWARDED FOR SWIMMING POOL POND DREDGING - ENGINEERING IMPROVEMENT NO. STS-286** Engineer Houle explained the bid for dredging of the Swimming Pool Pond and the Point of France Pond was part of the 2003 Capital Improvement Plan (CIP), and was required by the Pond Expansion Agreements that the City holds with recent property redevelopments in the area. The project will be funded with money held in escrow and through the Storm Water Utility Fund. The Engineer's Estimate was \$647,000. Staff recommended awarding the bid to the low bidder, Veit & Company, Inc.

Member Masica asked if the Point of France Pond was the City's pond. Mr. Houle said the City had a drainage easement over the pond.

Member Housh inquired when the work would be completed. Mr. Houle said the estimated time for completion of the project could be spring of 2005.

Member Hovland questioned funding of the project. Mr. Houle noted the Utility Fund would be the main source of funding. In the future redevelopment projects that would be required by the watershed district to provide storm water management would be required to pay into this fund. Member Hovland asked where the estimated redevelopment funding figures came from. Mr. Houle said a study had been done on area sites that could maximize their area with impervious hard-surface.

**Member Hovland made a motion approving the award of bid for Swimming Pool and Point of France Ponds, Improvement No. STA-286 to recommended low bidder, Veit & Company, Inc., at \$329,960.00.** Member Housh seconded the motion.

Ayes: Housh, Hovland, Kelly, Masica, Maetzold  
Motion carried.

**\*AWARD OF BID FOR GRANGE HALL ROOF REPLACEMENT** Motion made by Member Hovland and seconded by Member Masica for award of bid for Grange Hall Roof Replacement to recommended low bidder, Berwald Roofing Company at \$23,735.00.

Motion carried on rollcall vote - five ayes.

**PRESENTATION GIVEN BY I-494 CORRIDOR COMMISSION** Member Hovland acting a Chair of the I-494 Corridor Commission explained the Commission was a Joint Powers Organization made up of six cities, Edina, Bloomington, Eden Prairie, Minnetonka, Plymouth and Richfield. He briefly reviewed their budget, make-up, mission, objectives and some accomplishments as follows:

- 2003 Budget (\$342,000):
  - \$9400 from Edina (20%)
  - CMAQ Match from the Metropolitan Council (80%)
- Members and Partners:
  - Elected Official from Each Member City
  - Staff Person from Each Member City
  - Mn/DOT I-494 Project Managers

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- Metropolitan Council Staff
  - ❖ Metro Transit/SW Metro Transit
  - ❖ Metro Commuter Services
- Mission:
  - “Promote the Improvement of I-494 from the MN River in order to increase road capacity and to improve the productivity and convenience of residents and businesses throughout the region.”
- Two Main Objectives:
  - *Policy/Advocacy*: Accelerate Schedule for Expansion of I-494 and Increase Transit Capabilities Along the Corridor
  - *494 Commuter Services*: Assist Employers and Property Managers in Promoting the Use of Alternatives to Driving Alone
- Economic Projections - 494 Corridor:
  - Today:
    - ❖ 19% of Metro Residents
    - ❖ 21% of Metro Jobs
  - 20/20 Projections:
    - ❖ 19% Increase in Residents
    - ❖ 28% Increase in Households
    - ❖ 28% Increase in Jobs
- Traffic Projections:
  - 494 was 50% Overcapacity in Many Locations
  - 95% Drive Alone
  - 4% of Carpool/Vanpool, 1% Bus or Bike
  - 34% of Commuters to Jobsites Along 494 have “seriously considered changing jobs as a means to cope with traffic congestion”.
- Congestion Costs - Twin Cities:
  - Fastest Rate of Congestion Growth in Country (tied with Atlanta)
  - 13% of Travel Congested in 1982 - 71% today
  - \$1,000/year per Twin Cities Commuter
  - \$1.6 billion/year Total Cost (\$100 million on I-494)
  - Congestion to double in 20 years
- Transportation Funding Impasse:
  - No Gas Tax Increase Since 1988
  - Over Past Decade Transportation Spending (as % of State Gross Product) Declined from 1.2% to .9%
  - Transit Funded at 65% of That of Similarly Sized Regions
  - \$1 billion for 10 years to Keep Up With Congestion
- Policy Accomplishments:
  - I-494 on Met Council Construction Priority List
  - Mn/DOT Agrees to do Expanded EIS
  - Cities/Private Developers Pay for Share of EIS
  - Official Mn/DOT Construction Map Allows Cities to Reserve Right-of-way as Development Occurs
  - Various Construction Projects Underway
  - I-494 Expansion (Highway 212 to I-394) Moved Up to 2004

- 2003 Outcomes to Date:
  - ❖ 16 Meetings at Edina Employers or Property Managers
  - ❖ 27 Commuter Fairs
  - ❖ 200+ Commuters Added to Regional Rideshare Database
  - ❖ Potential New Park-n-Ride at 7700 France Avenue
- Edina Employers:
  - ❖ BI
  - ❖ Wells Fargo
  - ❖ Express Scripts
  - ❖ Jerry's Enterprises
  - ❖ International Dairy Queen
  - ❖ Centennial Lakes Office Complex

Dave Van Hattum, I-494 Corridor Commission, works with employers, property managers and commuters along I-494, to promote any alternative to driving alone during the congested periods. He stated it was very expensive to enlarge road capacity. Getting more people in vehicles into mass transit was cost effective. Mr. Van Hattum said transportation and parking ate up a lot of land as well as creating air pollution. He added that many Ride Share programs have been encouraged through the I-494 Commuter Services.

Mr. Van Hattum introduced Melissa Madison, I-494 Corridor Commission, who handles Richfield, Bloomington and Edina and works closely with Metro Transit as well as local Chambers of Commerce.

Member Masica inquired what other streams of revenue have been considered to fund the proposed plans. Member Hovland said a variation of an old legislative bill for a referendum at ½% sales tax for the metro area purported to generate \$3 to 4 billion dollars over a period of time. He stated his belief that the tax should be state-wide.

Member Housh indicated that more business leaders need to step up and take a stand with what needs to be done to maintain a quality of life for us all and keep the infrastructure solid.

No formal Council action was taken.

**\*HEARING DATE SET OF OCTOBER 7, 2003, FOR SPECIAL ASSESSMENTS Motion made by Member Hovland and seconded by Member Masica introducing the following resolution and moving its action:**

**RESOLUTION NO. 2003-59**

**SETTING PUBLIC HEARING DATE OF**

**OCTOBER 7, 2003 FOR SPECIAL ASSESSMENTS**

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EDINA, MINNESOTA:**

1. A public hearing shall be held on the 7<sup>th</sup> day of October, 2003, in the Council Chambers at City Hall at 7:00 P.M. to pass upon the proposed special assessments for:
  - Maintenance Improvement No. M-03, 50<sup>th</sup> Street and France Avenue Business District

- Maintenance Improvement No. G-03, Grandview Business District
- Tree Removal Improvement No. TR-03
- Aquatic Weeds Improvement No. AQ-03, Arrowhead and Indianhead Lakes and Minnehaha Creek Mill Pond

All persons owning property affected by such improvements at such time and place will be given an opportunity to be heard with reference to such assessments.

2. The City Clerk is hereby directed to cause a notice of hearing on the proposed assessments to be published in the Edina Sun-Current at least two weeks before the hearing and shall in the notice state the total cost of the improvements. The Clerk shall also cause mailed notice to be given to the owner of each parcel described in the assessment rolls not less than two weeks before the hearings.

Adopted this 2<sup>nd</sup> day of September 2003.

Motion carried on rollcall vote – five ayes.

**\*RESOLUTION NO. 2003-57 AUTHORIZING THE PREPARATION OF PLANS AND SPECIFICATIONS FOR A NOISE WALL ON THE WEST SIDE OF TRUNK HIGHWAY 100 BETWEEN WEST 44<sup>TH</sup> STREET AND THE NORTH LIMITS IN THE CITY OF EDINA APPROVED** Member Hovland introduced the following resolution seconded by Member Masica and moved its approval:

**RESOLUTION NO. 2003-57**

**AUTHORIZING THE PREPARATION OF PLANS AND  
SPECIFICATIONS FOR A NOISE WALL ON THE WEST SIDE OF  
TRUNK HIGHWAY 100 BETWEEN WEST 44<sup>TH</sup> STREET AND THE  
NORTH LIMITS IN THE CITY OF EDINA**

WHEREAS, the Minnesota Legislature directed the Commissioner of the Minnesota Department of Transportation (Mn/DOT) to prepare a study which assessed the noise levels along freeway corridors within incorporated areas of the State and suggested mitigation measures to reduce the impact of freeway noise; and

WHEREAS, the Trunk Highway 100 corridor within this part of the City of Edina assessed as part of the study; and

WHEREAS, the study suggests that through the construction of a noise wall the impact of sound generated by vehicles within the Trunk Highway 100 corridor can be mitigated; and

WHEREAS, Mn/DOT staff held an open house on July 30, 2003 to discuss the proposed noise wall and to review possible alternatives for design; and

WHEREAS, the Edina City Council finds that it is in the best interest of the community to proceed with the development of the project,

NOW THEREFORE, BE IT RESOLVED, that the Edina City Council of Edina, Minnesota, hereby requests that Mn/DOT proceed with the preparation of plans and specifications for construction of a noise wall along the west side of Trunk Highway 100 between west 44<sup>th</sup> street and the north limits in the City of Edina.

Adopted this 2<sup>nd</sup> day of September, 2003.

Motion carried on rollcall vote – five ayes.

\*TRAFFIC SAFETY STAFF REVIEW SPECIAL MEETING OF AUGUST 20, 2003, APPROVED Member Hovland made a motion seconded by Member Masica approving the Traffic Safety Staff Review Special Meeting of August 20, 2003, Section A:

1. Installation of signs restricting parking on South View Lane in front of the South View Middle School at 4725 South View Lane to "15 Minute Parking Monday to Friday, 7 A.M. to 4 P.M.; and
2. Signs presently at the Community Center indicating "15 Minute Parking" be changed to read "15 Minute Parking - Monday to Friday - 7 A.M. to 4 P.M. to be in uniformity with those at South View Middle School; and

Section B and Section C.

Motion carried on rollcall vote - five ayes.

\*RESOLUTION NO. 2003-60 APPROVING AUTHORIZING DISPATCH CONSOLIDATION STUDY AGREEMENT Member Hovland introduced the following resolution, seconded by Member Masica:

**RESOLUTION NO. 2003-60**

WHEREAS the City of St. Louis Park and the City of Edina have stated their intent to participate in the preliminary feasibility study for the consolidation of public safety dispatching services for which the City of St. Louis Park has conducted a request for proposals; and,

WHEREAS the City of St. Louis Park has completed the RFP process and has entered into an agreement with the PSC Alliance for the purpose of conducting the study; and,

WHEREAS it is the intent of the City of Edina to concurrently enter into an agreement with the City of St. Louis Park to participate in the study and pay our city's proportionate share of the cost of the study; and,

WHEREAS the proportionate share of the cost of the study has been estimated to range between \$3,700-\$5,500 based on the number of participants being between seven and ten.

NOW THEREFORE BE IT RESOLVED that the City of Edina agrees to pay the City of St, Louis Park an amount estimated to fall between \$3,700 -\$5,500 as our share of the cost of the study.

BE IT FURTHER RESOLVED that the City of Edina will provide a contact person to represent our city in the business issues related to participating in the study and coordinating the efforts for the study process. The City of Edina also agrees to provide access to premises and give full cooperation to PSC in conducting the study.

Passed and adopted this 2nd day of September 2003.

Motion carried on rollcall vote - five ayes.

MEMORANDUM RECEIVED FROM CITY ATTORNEY REGARDING USE OF PUBLIC FUNDS FOR PRIVATE PROPERTY Attorney Gilligan briefly reviewed his memorandum regarding the use of City Funds for improvements to private property. Mr. Gilligan stated he believed the request for the memo came because the resident directly across the street from the new City Hall facility came before the Council stating that the proximity of the facility has had a negative impact on his property and asked that the City take some action to mitigate this impact. Mr. Gilligan stated that all expenditures made by the City must be for a public purpose. He stated that he thought the City Council could reasonably determine that an

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expenditure of City fund to mitigate the negative impact of the new City Hall to nearby properties was for a public purpose even if the improvements were made to private property. He cautioned that before making any such expenditure the City obtain an easement from the property owner permitting the location of the improvement and a written agreement from the property owner releasing the City from any claims and acknowledging that the City would not be responsible for maintenance of the improvement.

Jim Schell, 4929 Dale Drive, stated he was representing himself and his neighbors. He asked for some help stating there has been additional noise and the view is now a huge building not what was previously on the property.

The Council discussed the possibility of assisting Mr. Schell and his neighbors, noting that the City had been reviewing a potential sidewalk improvement for that area. Council consensus was to wait until the new City Hall facility was completed and traffic pattern re-established before making any determination what would be done.

No formal action taken.

**\*CONFIRMATION OF CLAIMS PAID** Member Hovland made a motion and Member Masica seconded the motion approving payment of the following claims as shown in detail on the Check Register dated August 20, 2003, and consisting of 30 pages: General Fund \$165,547.39; Communications Fund \$2,492.34; Working Capital Fund \$71,461.59; Construction Fund \$488,650.16; Art Center Fund \$6,802.05; Aquatic Center Fund \$4,632.30; Golf Course Fund \$15,199.50; Ice Arena Fund \$3,528.85; Edinborough/Centennial Lakes Fund \$3,458.14; Liquor Fund \$155,818.57; Utility Fund \$177,638.31; Storm Sewer Fund \$35,163.62; TOTAL \$1,130,392.82; and for approval of payment of claims dated August 27, 2003, and consisting of 25 pages: General Fund \$183,882.83; Communications Fund \$998.43; Working Capital Fund \$20,726.34; Construction Fund \$23,229.51; Art Center Fund \$12,763.79; Golf Dome Fund \$17,821.20; Aquatic Center Fund \$3,884.21; Golf Course Fund \$47,060.04; Ice Arena Fund \$2,855.72; Edinborough/Centennial Lakes Fund \$1,480.90; Liquor Fund \$115,925.84; Utility Fund \$61,208.24; Storm Sewer Fund \$4,265.00; TOTAL \$496,102.05.

Motion carried on rollcall vote – five ayes.

**RESOLUTION 2003-58 APPROVED, ADOPTING PROPOSED BUDGET FOR THE CITY OF EDINA FOR YEARS 2004, AND ESTABLISHING THE PROPOSED TAX LEVY PAYABLE IN 2004** Director Wallin explained the proposed tax levy of \$16,489,129, if approved, becomes the maximum allowed levy and cannot be increased beyond this amount. the levy would be 1.96% higher than the 2003 levy. The expenditure budget of \$22,632,995 could be increased or decreased in the budget process as long as the tax levy was not increased.

The special levy for debt service of the Housing and Redevelopment Authority Public Project Revenue bonds and the equipment certificates also becomes the maximum allowed levy for 2004 for payment of bonds for the City Hall and Police Station projects issued in 2003.



The special levy for debt service of equipment certificates is the second year of two year certificates for the purchase of equipment once financed through the equipment replacement program in the general fund, but now included in the Capital Improvement Program, and the second year of five year certificates for purchase of City Hall Police Station furnishings.

**Member Kelly introduced the following resolution and moved its adoption:**

**RESOLUTION NO. 2003-58**  
**A RESOLUTION ADOPTING PROPOSED**  
**BUDGET FOR THE CITY OF EDINA FOR YEAR 2004,**  
**AND ESTABLISHING THE PROPOSED**  
**TAX LEVY PAYABLE IN 2004**

THE CITY COUNCIL OF THE CITY OF EDINA, MINNESOTA, DOES RESOLVE AS  
FOLLOWS:

**Section 1:** The Budget for the City of Edina for calendar year 2004, is hereby proposed as follows:

**TOTAL GENERAL FUND** **\$ 22,632,995**

**Section 2:** Estimated receipts other than General Tax Levy are hereby proposed as follows:

**TOTAL ESTIMATED RECEIPTS** **\$ 6,143,866**

**Section 3. That there is proposed to be levied upon all taxable real and personal property in the City of Edina, a tax rate sufficient to produce the amount as follows:**

**FOR GENERAL FUND** **\$ 16,489,129**

**Section 4. That there is proposed to be levied upon all taxable real and personal property in the City of Edina, a tax rate sufficient to produce the amount as follows:**

**FOR DEBT SERVICE OF THE HRA PUBLIC PROJECT REVENUE BONDS** **\$ 1,028,837**

**Section 5. That there is proposed to be levied upon all taxable real and personal property in the City of Edina, a tax rate sufficient to produce the amount as follows:**

**FOR DEBT SERVICE OF CERTIFICATES OF INDEBTEDNESS**  
\$ 604,275

**Approved this 2nd day of September, 2003.**

Member Hovland seconded the motion.

Rollcall:

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

## RESOLUTION NO. 2003-61 SETTING TRUTH IN TAXATION HEARING DATES

Finance Director Wallin presented a calendar depicting dates available to hold the 2003 City's Truth in Taxation hearings. He recommended the Council set Monday, December 1, 2003, at 5:00 P.M. for the initial hearing, Monday, December 8, 2003, at 5:00 P.M. for the continuation hearing and Tuesday, December 16, 2003, at 7:00 P.M. for the budget adoption.

Following a brief Council discussion, **Member Kelly introduced the following resolution and moved its adoption:**

**RESOLUTION NO. 2003-61**

**A RESOLUTION SETTING HEARING DATES FOR  
TRUTH IN TAXATION HEARINGS AND BUDGET ADOPTION**

**WHEREAS, the City of Edina is required to inform Hennepin County of its Truth in Taxation Hearing dates as well as the Budget Adoption Hearing date; and**

**NOW THEREFORE, the City Council sets:**

**TRUTH IN TAXATION HEARING DATES:**

**Monday - December 1, 2003                      5:00 P.M.**

**Monday - December 8, 2003                      5:00 P.M.**

**BUDGET ADOPTION HEARING DATE:**

**Tuesday - December 16, 2003                      7:00 P.M.**

**Passed this 2<sup>nd</sup> day of September, 2003.** Member Hovland seconded the motion.

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

**SPECIAL CONCERN OF COUNCIL**

Member Masica expressed her concern over the City entering into a study regarding the potential of consolidating public safety dispatch after spending all the dollars on the 800 Mhz radio system. Further, she stated she did not want the citizens of Edina shortchanged in the dispatch system because of offering services to another community. Member Masica said she would withdraw her vote if that were possible, but that not being a possibility she wanted her concerns recorded, noting she had strong opinions on this issue.

There being no further business on the Council Agenda, Mayor Maetzold declared the meeting adjourned at 8:45 P.M.

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City Clerk